

**FILED**

**NOV 05 2012**

**Board of Vocational Nursing  
and Psychiatric Technicians**

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7  
8 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS,**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. VN-2009-5296

11 **PATRICIA AYALA**  
155 Carlton Avenue, Apt. 2  
12 Pasadena, CA 91103  
Vocational Nurse License No. VN 238703

**A C C U S A T I O N**

13 Respondent.  
14

15 Complainant alleges:

16 **PARTIES**

17 1. Teresa Bello-Jones J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in  
18 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric  
19 Technicians, Department of Consumer Affairs.

20 2. On or about December 2, 2008, the Board of Vocational Nursing and Psychiatric  
21 Technicians (Board) issued Vocational Nurse License No. VN 238703 to Patricia Ayala  
22 (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to  
23 the charges brought herein and will expire on February 28, 2014, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board, Department of Consumer Affairs, under  
26 the authority of the following laws. All section references are to the Business and Professions  
27 Code unless otherwise indicated.

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4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 1718 provides that an expired license may be renewed at any time within five years after expiration.

## STATUTES

6. Section 2878 authorizes the Board to suspend or revoke a license for unprofessional conduct:

“The board may suspend or revoke a license issued under this chapter for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(e) Making or giving any false statement or information in connection with the application for issuance of a license.

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

...

(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee.”

## REGULATIONS

7. Section 2521 of the California Code of Regulation provides, in pertinent part:

“For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code,

1 a crime or act shall be considered to be substantially related to the qualifications,  
2 functions or duties of a licensed vocational nurse if to a substantial degree it  
3 evidences present or potential unfitness of a licensed vocational nurse to perform the  
4 functions authorized by his license in a manner consistent with the public health,  
5 safety, or welfare.”

#### 6 **COST RECOVERY**

7 8. Section 125.3, subdivision (a), states, in pertinent part: “Except as otherwise provided  
8 by law, in any order issued in resolution of a disciplinary proceeding before any board within the  
9 department . . . upon request of the entity bringing the proceedings may request the  
10 administrative law judge may direct a licensee found to have committed a violation or violations  
11 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
12 enforcement of the case.”

#### 13 **FIRST CAUSE FOR DISCIPLINE**

##### 14 **(Conviction of a Crime Substantially Related to Practice)**

15 9. Respondent is subject to disciplinary action under section 2878, in conjunction with  
16 California Code of Regulations, title 16, section 2521, in that on or about April 11, 2011,  
17 Respondent was convicted of a crime substantially related to the qualifications, functions, or  
18 duties of a vocational nurse which, to a substantial degree, evidences her present or potential  
19 unfitness to perform the functions authorized by her license in a manner consistent with the public  
20 health, safety, or welfare. The conviction is as follows:

21 10. On or about April 11, 2011, after pleading nolo contendere, Respondent was  
22 convicted of one count of violating Penal Code 415 (disturbing the peace), a misdemeanor, in the  
23 criminal proceedings titled *People v. Patricia Ayala*, Los Angeles Superior Court Case No.  
24 0HY01550. The Court sentenced Respondent to three days in jail, and two years’ probation. The  
25 circumstances underlying the conviction are as follows:

26 11. On or about June 18, 2010, a driver in Hollywood flagged down a Los Angeles Police  
27 Department patrol to mediate an argument he was having with Respondent, his passenger. As the  
28 police officers were talking to the driver outside of his truck, they saw Respondent get out of the

1 passenger side of the vehicle, run up to the driver, and hit him three times in the face and neck.  
2 The police intervened and arrested her.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Making False Statements on Application for Initial Licensure)**

5 12. Respondent is subject to disciplinary action under section 2878 subdivision (e) since  
6 she made false statements on her application for license renewal. The circumstances are as  
7 follows:

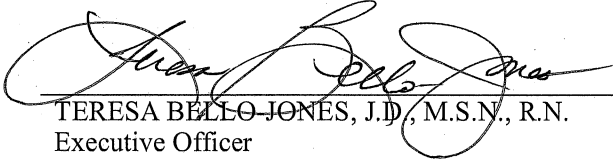
8 13. On or about February 15, 2012, Respondent submitted a renewal application for her  
9 vocational nurse license. On the application, she indicated that she had not been convicted of any  
10 crime in this or any other state. This was a false statement since she was convicted of violating  
11 Penal Code section 415, a misdemeanor, on April 11, 2011. Complainant refers to and by this  
12 reference incorporates the allegations set forth above in paragraphs 9 through 11, inclusive, as  
13 though set forth fully.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Board issue a decision:

- 17 1. Revoking or suspending Vocational Nurse License No. 25371 issued to Respondent  
18 Patricia Ayala;
- 19 2. Ordering Patricia Ayala to pay the Board the reasonable costs of the investigation and  
20 enforcement of this case, and, if placed on probation, the costs of probation monitoring; and
- 21 3. Taking such other and further action as deemed necessary and proper.
- 22

23 DATED: **NOV 05 2012**

24   
TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
Complainant

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